

REMARKS/ARGUMENTS

Claims 1, 6, 17 and 25-34 are pending in the application. By this Amendment, claims 1, 6, 29 and 32-34 are amended and claims 2-5, 7-14, 18-24 and 35 are cancelled.

Claims 25, 26 and 28 are allowed. Objected to claims 32-34 are rewritten in independent form.

The following arguments presented in the Amendment After Final Rejection filed September 23, 2003 are represented for consideration.

In the June 23, 2003, Office Action, claim 18 was rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,262 to Long in view of U.S. Patent No. 5,328,403 to Long and U.S. Patent No. 6,168,814 to Long. The rejection is respectfully traversed.

By this Preliminary Amendment, claim 1 is amended to include the features of claim 18. Therefore, this rejection will be addressed as it relates to claim 1.

Claim 1 is directed to a "method of subjecting a material in a liquid to explosive forces" and includes the feature of "the explosive forces being caused by introducing energy to the liquid by discharging a capacitor through a capacitor discharge electrode located within the liquid". Further, the vessel in which the material and the liquid are contained is a pipe. As such, the capacitor discharge electrode is located in the same liquid as the material. And, the electrode, material and liquid are located in the pipe.

In contrast, Long '814 discloses a food product moving through a plastic or other acoustically transparent conduit 100 and the conduit being surrounded by water in a surrounding tank (col. 5, line 65 – col. 6, line 4). The explosive device 200 is located outside of the conduit

100 with a shock wave produced by the explosive device passing directly through the conduit 100 (col. 6, lines 28-29). Long '814 also states that in "its broadest, but not preferred form" the invention contemplates dropping food pieces or extruding food vertically through water without the use of a distinct conduit (col. 6, lines 64-66).

It is respectfully submitted that Long '814 not only fails to teach or suggest subjecting material to explosive forces in a pipe where the electrode, material and liquid are all located in the pipe, but it, in fact, teaches away from such a practice. Long '814 discusses placing meat in a conduit to separate the meat from the explosion (col. 4, lines 5-8) and discusses dropping food pieces through the water without the use of a conduit (col. 6, lines 64-66), but does not mention placing the material (meat) and the water in a conduit in which the explosion takes place (in which the electrode is placed). It is submitted that further evidence of Long '814 teaching away from claim 1 is the fact that all of the claims in Long '814 include a conduit immersed in a liquid.

In addition, it is respectfully submitted that there would have been no motivation to combine the conduit of Long' 814 with the apparatus of Long '262 in view of Long '403 because Long '403 specifically states that there should be "nothing interposed between the explosion center and the meat other than the wrappings and the water in which the meat is placed" (col. 7, lines 18-20) and Long '814 only discusses a conduit when the meat is separated from the explosion by the conduit.

Further, it is respectfully submitted that any combination of the conduit of Long '814 with the apparatus of Long '262 in view of Long '403 would, at most, result in an apparatus where any

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electrodes used would be placed outside of the water in which the material is contained. This is because Long '403 stresses that "uncontained meat exposed to water and shock changed color to a grayish white, rendering the meat commercially unacceptable" and "the meat must be isolated from the water in which the explosion takes place from the standpoint of possible contamination from explosive by-products" (col. 4, line 65 – col. 5, line 5).


In light of the above, it is respectfully submitted that neither Long '262, Long '403, Long '814, nor the combination thereof, suggests the features of claim 1. As a result, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the application including claims 1, 6, 17 and 25-34 is in condition for allowance. Favorable consideration and prompt allowance are respectfully requested.

Respectfully submitted,

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